

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALLAN KUEHNEMUND et al.)	
)	
Plaintiffs,)	
)	
vs.)	07-cv-83E
)	
AGRIUM, INC,)	
)	
Defendant)	

MEMORANDUM ORDER

On September 10, 2007, Plaintiff submitted to this Court a Second Amended Complaint. The only changes in the Second Amended Complaint are: (1) a change in the address of the Defendant Agrium. Inc.; and (2) the attachment of a copy of a document that lists addresses for the Defendant. Plaintiff had already amended his Complaint once before, in response to an Order from this Court to comply with Local Rule 8.1.

Fed.R.Civ.P. 15(a) states:

(a) Amendments. A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within 10 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders.

Fed.R.Civ.P. 15(a). Here, had the Court not ordered Plaintiff to amend his Complaint to comply with the technical requirements of Local Rule 8.1, Plaintiff would be entitled as a matter of right to file an Amended Complaint because Defendant has not yet filed a responsive pleading. As

such, justice requires that Plaintiff be permitted to file his Second Amended Complaint.

AND NOW, this 13th day of September, 2007, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiff's Second Amended Complaint shall be filed by the Clerk of Court.

It is further ORDERED, ADJUDGED, AND DECREED that an Order of Court requiring the United States Marshal to serve the Second Amended Complaint upon Defendant shall follow.

September 13, 2007 *Maurice B. Cohill, Jr.*

Maurice B. Cohill, Jr.

Senior District Court Judge